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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 DONALD C. DORNIN,

10 Petitioner,

11 vs.

12 JOE LOMBARDO, et al.,

13 Respondents.
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Case No. 2:15-cv-01007-RFB-NJK

ORDER

15 Petitioner has filed a habeas petition challenging his pending criminal case and anticipated
16 sentencing in a state criminal case. While a federal court may hear a petition for an individual in
17 custody who has not yet been sentenced or convicted, principles of comity generally require the
18 federal court to abstain, absent extraordinary circumstances, from any intervention into the state
19 court proceeding until it has been completed. Carden v. Montana, 626 F.2d 82, 83-84 (9th Cir.),
20 cert. denied, 449 U.S. 1014, 101 S. Ct. 573, 66 L. Ed. 2d 473 (1980).

21 The Court does not find that there are extraordinary circumstances in this case warranting
22 intervention in the state court criminal proceeding. Id. Petitioner did file a response to the Order
23 to Show Cause filed by this Court, but his response did not establish a basis for this Court to
24 intervene in his state case. Id. The petitioner in this case may seek whatever federal habeas relief
25 that is legally appropriate upon the completion of his state criminal case, including his pursuit of
26 direct appeals and state habeas proceedings.
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1 IT IS THEREFORE ORDERED that this case is dismissed without prejudice to petitioner
2 seeking federal habeas relief upon the completion of his state court criminal proceedings and
3 appeals and state habeas challenges.

4 DATED: January 10, 2018.

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RICHARD F. BOULWARE, II
United States District Judge